

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

LAWRENCE SHERRON BETTS,

Petitioner,

v.

LAURENT D. JAVOIS,

Respondent.

No. 4:17-cv-215-NCC

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion to proceed *in forma pauperis*. The Court will provisionally grant the motion. Additionally, the Court will transfer this case to the United States District Court for the Western District of Missouri.

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Therein, petitioner indicates that he is challenging a judgment of conviction entered by the 13th Judicial Circuit of Missouri in Boone County, Missouri, which is located in the Western District of Missouri. Petitioner identifies his present place of confinement as the Boone County Jail (also located in the Western District) and also as the Metropolitan St. Louis Psychiatric Center, which is located within this Federal judicial district.

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

28 U.S.C. § 2241(d).


While the face of the petition leaves it unclear whether petitioner is presently in custody within this Federal judicial district, it is clear that the judgment and sentence he is challenging arose in a State court that is within the Western District of Missouri. Therefore, this Court will exercise its discretion to transfer the instant petition to the Western District of Missouri "in furtherance of justice." *Id.*

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis (Docket No. 2) is **GRANTED**, subject to modification by the United States District Court for the Western District of Missouri.

IT IS FURTHER ORDERED that the Clerk of Court shall transfer this case to the United States District Court for the Western District of Missouri.

Dated this 18th day of January, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE